

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WENDY HILL, *et al.*

Plaintiffs,

v.

FIVE OR MORE
JOHN/JANE DOE
UNKNOWN OFFICERS OF
THE WRIGHT-PATTERSON
AIR FORCE BASE POLICE,
et al.

Defendants.

Case No. 3:16-cv-104

JUDGE RICE

MAGISTRATE JUDGE
NEWMAN

**STIPULATED PROTECTIVE ORDER REGARDING
THE IDENTITY OF NAMED AND DOE DEFENDANTS**

This Stipulated Protective Order is before the Court on the Plaintiffs' agreement with non-party United States of America (appearing under 28 U.S.C. § 517), to resolve the Plaintiffs' Motion for Expedited Discovery Limited to Identifying Defendant Officers filed March 4, 2016. (ECF No. 3).¹ By way of background, Plaintiffs served a subpoena on the United States Air Force on March 4, 2016. (ECF No. 3-4.) On March 16, 2016, the United States Attorney's Office, representing the interests of the United States under 28

¹ This Stipulated Protective Order is submitted solely on behalf of Plaintiffs and the United States, not on behalf of any individual-capacity defendant. This Stipulated Protective Order does not waive any objections, defenses or rights Defendants or any future defendants may have to assert.

U.S.C. § 517, served Plaintiffs' counsel with objections to the third-party subpoena that was directed to the Air Force. Having now discussed the matter, counsel for the United States and counsel for Plaintiffs have agreed to resolve this matter through this Stipulated Protective Order, as follows:

A. Upon the Court's entry of this Stipulated Protective Order, Plaintiffs shall withdraw their Motion for Expedited Discovery (ECF No. 3) and the Rule 45 subpoena served on the Air Force.

B. After the Court's entry of this Stipulated Protective Order, the United States Air Force will disclose an unredacted copy² of the following documents related to the April 4, 2014 incident alleged in the complaint: (a) the Police Blotter entry 080 1543 (one page); (b) the three AF IMT 1168, Statement of Suspect/Witness/Complainant, Security Forces Field Interview Data (seven pages total); (c) the two AF Form 3907, Security Forces Field Interview Data, with associated officer statements (four pages total). At the same time, the Air Force will also provide a declaration from an Air Force official listing the names and ranks of the Air Force members and employees who were at the scene of the April 4, 2014 incident alleged in the Complaint while the Plaintiffs were present, or communicating with Air Force members or

² The Air Force will unredact the names and titles of Air Force members and employees as well as the names of Plaintiffs wherever they appear in the documents. Any other names that appear in the documents will be redacted, as well as any person's place of birth, birth date, social security number, personal address, personal telephone number, or employer other than the Air Force.

employees at the scene of the incident alleged in the Complaint while the Plaintiffs were present.

C. The information necessary for the Air Force to provide the items identified in Paragraph B comes from a system of records and is therefore covered by the Privacy Act, 5 U.S.C. § 552a. As a result, the Court hereby ORDERS, in accordance with 5 U.S.C. § 552a(b)(11), that the United States is authorized to make the disclosures identified in Paragraph B to Plaintiffs' counsel in adobe.pdf or hard copy form.

D. The disclosures identified in Paragraph B shall be used only to litigate this action.

E. The United States shall send the disclosures identified in Paragraph B by Federal Express to the attention of William B. Eadie at SPANGENBERG SHIBLEY & LIBER LLP, 1001 Lakeside Avenue East, Suite 1700, Cleveland, Ohio 44114, and by email to william.eadie@spanglaw.com, within five business days after the Court enters this Stipulated Protective Order.

F. This Stipulated Protective Order applies only to the information disclosed under Paragraph B.

G. This Stipulated Protective Order is not any ruling on the merits of Plaintiffs' claims, the defenses or liability of any Defendants or future defendants to this suit, or on the relevance or admissibility of any document or information. Further, the disclosure of any privileged or sensitive information or documents under this Order is not a waiver of any privileges

or objections to the production of any other information or documents that may also include privileged or sensitive information.

H. Neither the United States nor any of its officers, employees, or attorneys shall bear any responsibility or liability under the Privacy Act for any disclosure or unauthorized use of any information subject to this Order.

I. Each party reserves the right to modify the terms of this Protective Order at any time, and each party reserves the right to oppose any motion to modify the terms of this Protective Order.

J. Per authority of *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996), no document may be filed with the Court under seal without prior permission as to each such filing, upon motion and for good cause shown, including the legal basis for filing under seal. Documents filed under seal shall comply with Southern District of Ohio Local Rule 79.3. This Protective Order does not authorize filing under seal; any provisions in this Protective Order to the contrary are hereby stricken.

IT IS SO ORDERED.

Date: March 28, 2016

s/ Michael J. Newman
Michael J. Newman
United States Magistrate Judge

Agreed to by:

s/William B. Eadie
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America under 28 U.S.C. § 517*